

**MINUTES OF THE
GREENSBORO ZONING COMMISSION
OCTOBER 10, 2005**

REGULAR MEETING

A regular meeting of the Greensboro Zoning Commission was held on Monday, October 10, 2005 at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Chair Gary Wolf, Tony Collins, Peter Kauber, Zack Matheny, Evelyn Miller, Bill Schneider, Portia Shipman and Susan Spangler. Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator represented the Planning Department. Blair Carr, Esq., represented the City Attorney's Office. Carrie Reeves represented the Greensboro Department of Transportation (GDOT).

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting and how any appeals may be made.

**APPROVAL OF THE MINUTES OF THE SEPTEMBER 12, 2005 REGULAR MEETING AND
SEPTEMBER 21, 2005 JOINT MEETING.**

Mr. Collins moved approval of the minutes of the September 12, 2005 regular meeting as written, seconded by Mr. Schneider. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Kauber, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None.)

Mr. Collins moved approval of the minutes of the September 21, 2005 joint meeting as written, seconded by Mr. Schneider. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Kauber, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None.)

PUBLIC HEARINGS:

- A. AN ORDINANCE REZONING FROM RS-20 RESIDENTIAL SINGLE FAMILY TO
CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING
CONDITIONS: 1) USES: ALL USES PERMITTED IN THE GB ZONING DISTRICT
EXCEPT: SEXUALLY ORIENTED BUSINESS, CONVENIENCE STORES WITH FUEL
PUMPS, AND LAND CLEARING AND INERT DEBRIS LANDFILLS; 2) ANY USE WITH
DRIVE-THRU SERVICE SHALL NOT BE PERMITTED. - FOR A PORTION OF THE
PROPERTY LOCATED ON THE SOUTH SIDE OF WEST MARKET STREET BETWEEN
EDWARDIA DRIVE AND WINOLA COURT – FOR JANE C. CARTER. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Roland Weaver, 5217 West Market Street, spoke in support of the request. He said he represents Vernon C. Carter. The subject property was zoned commercial. The owners of the property were on a fixed income and could not pay the taxes, so the zoning was changed. Mr. Carter is now deceased and Ms. Carter now lives in a nursing home. Therefore, they would like the zoning on the property to be changed back to commercial so they can sell the property to pay for the upkeep of Ms. Carter.

No one else spoke in favor of or in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said staff had previously opposed the rezoning to this category so we are pleased with the rezoning back to a compatible zoning with the neighboring properties and uses. The proposed zoning is compatible with the Comp Plan for this area. Staff strongly recommends approval of the request.

Ms. Shipman moved approval of the request, seconded by Mr. Schneider. The Commission voted 8-0 in favor of the request. (Ayes: Wolf, Collins, Kauber, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None.)

B. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RS-7 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES ALLOWED UNDER THE RS-7 DISTRICT; 2) A MAXIMUM OF TEN (10) LOTS; 3) THE LOT AT THE SOUTHEAST INTERSECTION OF LEES CHAPEL ROAD AND GLENSIDE DRIVE SHALL HAVE ACCESS ONLY FROM GLENSIDE DRIVE. - FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHEAST INTERSECTION OF LEES CHAPEL ROAD AND GLENSIDE DRIVE – FOR JOHN K. MARKS. (DENIED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

John Marks, 1415 Winchester Road, spoke in favor of the request. He had been before the Commission numerous times within the last few years with this same type of rezoning. He handed up packets for the Commissioners' information and explained the contents. He felt this was a good example of infill at its best and it is compatible with the GFLUM and with Connections 2025's objectives to promote compact urban development and provide affordable opportunities for mixed income households. He had spoke with all of the adjacent neighbors and explained the rezoning request. He referred to a map and explained what was being shown. Many of the neighbors did not want change. He explained to them that something would be built across the street and their desire was single family houses. He named the City departments with whom he had met, explained his intentions and received their blessing. These new homes will be an asset to the neighborhood and enhance the area.

In response to a question from Chair Wolf, Mr. Ruska said RS-9 requires a 60-foot lot width and RS-7 requires a 50-foot lot width.

David Cook, 2219 Glenside Drive, spoke in opposition to this request. He handed up three documents for the Commissioners' consideration and explained each of them. He felt Mr. Marks had given the neighbors false information as to what was going to be built. He felt the homes that Mr. Marks would build would not be in harmony with the surrounding neighborhoods.

Larry McCranie, 2206 Glenside Drive, spoke in opposition to this request. He opposed 10 houses on two acres.

In rebuttal, Mr. Marks stated that the subject property is actually 2.22 acres. He said he explained to everyone with whom he talked that he only built single family houses. He said there were few garages for the homes along Glenside. He represented to everyone what he intended to build on

the subject property. He would build 1,200 to 1,400 square foot houses. He said there would be five houses facing Lees Chapel Road and five facing Glenside Drive. Four homes would enter from Lees Chapel and the other six would enter from Glenside.

In rebuttal for the opponents, David Cook read a statement to the Commission, which was signed by 16 people, some of whom were on Mr. Marks' list. The residents of this neighborhood do not want 10 houses on that property.

Chair Wolf closed the public hearing.

Mr. Hails said he would start by noting that the Comp Plan GFLUM shows low residential on this location. As you move up and down Lees Chapel Road, there are some different categories and moderate residential as you move further to the west. The proposal caps the density at 4.5 dwelling units per acre so it conforms with the Plan even though some of the surrounding lots are larger and lower density than that. There are also some other Comp Plan policies related to mixed income neighborhoods and diversification of housing types that support this type of use. There are legitimate urban transition issues central to this case consideration. There was a fair amount of rezoning history in the staff report. You can see from the context map that two properties near this site, but not immediately adjacent, are zoned RM-8 Multifamily. The closest one had a condition that limited the property to five units per acre so it was within the five units or less as called for in the Plan. There are new lots created in the RM-8 further east and across the street on Lees Chapel and they are between 7,000 and 7,400 square foot lots. That is the trend and those lots have been created and are very comparable to what would be permitted by this rezoning request. One of the Commissioners noted that it would be preferable to have conditions attached to the property that ensure a layout that is felt to fit the area. He thought staff would support such conditions as well, but they are not offered here so staff was mostly focusing on the 7,000 square foot lots that would be permitted by the request. He noted that this request is on a major thoroughfare, Lees Chapel Road. In terms of his discussion with Mr. Marks, the first thing he noted is that because we have low residential in this area, single family requests or an RM-5 request, which is low density multifamily, would certainly be supported by staff. Staff thinks multifamily dwellings in some situations can allow clustering of units to have lesser impacts and better design layouts. He thought he might have also noted that with several RM-8s in the area and office zoning down the road, that it is possible some higher density along with a Comp Plan Amendment, might be possible. Staff recommends in favor of the request.

Ms. Reeves with GDOT said one of the things Mr. Marks talked with her about was the number of driveways. The four facing Lees Chapel Road, will have joint access type driveways between four of the lots. He would end up basically with two big driveways instead of four little ones.

In response to a question by Ms. Shipman, Mr. Hails said the request would permit flag lots unless there is a condition that prohibits that. The subdivision detail will be worked out later as long as they conform to the rezoning requirements.

Mr. Collins said from a land use standpoint, he had no issue with this since he thought it was an appropriate use. What does concern him, which he is not sure is in front of the Commission today, is how communication occurs with neighbors and there obviously was some confusion in this one. The only thing that gave him comfort was that Mr. Marks had been successful in this neighborhood with other projects. He hoped such miscommunication did not occur again. He was trying to separate the two issues, one is neighbors saying they were miscommunicated with, and the other is the main use that is before us. One thing he would address to the neighbors that have concerns is

that there is that point now where the zoning occurs and the applicant has to come in for site plan approval and the City staff does implement things to try to make it a good use. The developer does not necessarily have a free hand just to do what they want to there. He would be supporting this change and did ask that this be a lesson to all of us to communicate better when we are dealing with neighbors.

Chair Wolf said he had some real concerns about this request and gave his reasons for concern.

Mr. Collins moved acceptance of the applicant's request, seconded by Mr. Matheny. The Commission voted 2-6 in favor of the motion, thereby denying the request. (Ayes: Collins, Matheny. Nays: Wolf, Kauber, Miller, Schneider, Shipman, Spangler.)

C. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH FOLLOWING CONDITIONS: 1) USES SHALL BE LIMITED TO TOWNHOME DWELLINGS AND ACCESSORY USES; 2) ALL TOWNHOMES SHALL BE CONSTRUCTED OF EXTERIOR BRICK AND MASONITE WITH WOOD OR VINYL ACCENTS. 3) ALL BUILDINGS SHALL BE A MAXIMUM OF TWO (2) STORIES IN HEIGHT. 4) ALL TOWNHOMES SHALL HAVE ATTACHED GARAGES. 5) THE TOTAL NUMBER OF DWELLING UNITS SHALL NOT EXCEED 170. 6) ALL TOWNHOMES SHALL BE DESIGNED FOR SALE. 7) THERE SHALL BE NO TRASH COMPACTOR AND NO DUMPSTER LOCATED ON THE PROPERTY OTHER THAN FOR THE PURPOSE OF COLLECTING AND REMOVING CONSTRUCTION DEBRIS. 8) STREET LIGHTS SHALL BE “LANTERN” TYPE WITH LIGHT DIRECTED GENERALLY DOWNWARD. 9) THE DEVELOPER WILL PROVIDE 4-FOOT SIDEWALKS ON ONE SIDE OF ALL INTERNAL PRIVATE STREETS AND A 5-FOOT SIDEWALK ALONG THE PROPERTY’S MACKAY ROAD FRONTAGE. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF MACKAY ROAD BETWEEN GUILFORD COLLEGE ROAD AND BROOKRUN DRIVE – FOR WILLIAM FOUSHEE AND JERRY FOX. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Henry Isaacson, Esq., 101 West Friendly Avenue, represents the Sapp Family Heirs as well as Portrait Homes, which has a contract to purchase the subject property. He handed up booklets for the Commissioners' information. As Mr. Ruska stated, there are two conditions that they would like to modify. Those would be Conditions Nos. 5 and 9:

5. The total number of dwelling units shall not exceed 148.
9. The developer will provide four-foot sidewalks on one side of all internal private streets and a six-foot sidewalk along the property's Mackay Road frontage.

Mr. Schneider moved the acceptance of the modified Conditions Nos. 5 and 9, seconded by Ms. Shipman. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Kauber, Matheny, Miler, Schneider, Shipman, Spangler. Nays: None.)

Mr. Isaacson said the subject property was virtually vacant land and Portrait Homes proposes to construct and sell approximately 148 townhomes on it. Each will be of brick construction and each will have an attached garage. There will be sidewalks on at least one side of all internal streets. There are also comments in the staff report about street connectivity to the adjacent Brook Run and Heritage Hills subdivisions. He then explained the contents of the booklets and referred to a letter he sent to the vice president of the Brook Run Homeowners' Association. They met with them at the Jamestown Town Hall last week. It was a productive session. As a result, he believes that they will be good neighbors to Portrait Homes and Portrait Homes to them as well. This proposal fits with our Comprehensive Land Use Plan; its density is moderate and these are townhomes of proven value to be offered for sale.

Maxine Fisher, 203 Chadwick Drive, Jamestown, spoke in opposition to the request. The Southwest Plan for Greensboro, which they all viewed years ago, indicates the area as low density. Brook Run is zoned as RS-12, as is Heritage Hills, both being single family residential areas. There is no multifamily in this immediate area and the residents would like it to stay single family, if at all possible.

Linda Young, 205 Chadwick Drive, Jamestown, also spoke in opposition. She objected to being annexed into Greensboro since taxes would be higher. She had bought her land in order to preserve the wildlife and had no desire to sell it. She asked the Commissioners to take their power seriously and speak up for the future and for nature, not just for people.

In rebuttal for the applicant, Mr. Isaacson said the first speaker in opposition talked about this being higher density. However, at the optimum number of townhomes, the density would be 4.5 units per acre. Under the Comp Plan, that falls within the lower density category. He said these were single family homes that were just attached perhaps in twos or threes and maybe even four units together. There are examples all over Greensboro of townhomes that are very compatible with detached single family homes.

Mr. Isaacson said his impression of the visit with the neighbors at the Jamestown Town Hall last week is that they were very satisfied when they saw the site plan. They asked about price and were told what the average price will be. He felt they left with a very comfortable feeling about what is proposed.

In rebuttal for the opponents, Ms. Fisher said the stubbing in of Chadwick Drive was a major concern.

Chair Wolf told Ms. Fisher that the Zoning Commission did not decide connectivity. Usually when an applicant such as this developer shows connectivity, that is not out of the goodness of their heart. That is usually somebody at the City suggesting that connectivity be shown there. That question should be addressed to the Planning Department and to City Council.

Also speaking in rebuttal for the opponents, Ms. Young said she felt like this developer was giving them a pig in a poke. He hasn't really told them how many square feet the units will be. The developer had said they would be constructed of masonite and brick, but today he has said brick. So they do not know what they will be getting.

Mr. Hails said there were many things included in restrictive covenants and developments that are important to the property owners there and the neighboring folks. Setting minimum square footages through the zoning process is not generally encouraged or permitted. Design guidelines about

exterior materials and landscaping certainly are germane to these proceedings, but setting size limits on the units is not something that is in the public domain related to zoning.

Chair Wolf closed the public hearing.

Mr. Hails said there is obviously a lot of activity occurring in this area and for long-time residents on large lots, particularly those that developed on well and septic, it is a difficult situation. Traffic is increasing, water and sewer is coming into the area, lot sizes are getting smaller and there are compatibility issues between the existing development and proposed development. He referred to the Adams Farm subdivision to the east. Unfortunately, it is a fact of life that when water and sewer come into an area, the lots get smaller and there are some of those conflicts. He noted that the GFLUM does support moderate density residential on this site, five to 12 units per acre. Staff feels that the proposed density of about 4.78 per acre is compatible with the location. Overall, staff feels this request is compatible, is an extension of some of the recent development out in the area, and the Comp Plan supports more diverse uses in a way that staff believes can be compatible. Staff recommends support of the original zoning request.

Ms. Shipman moved approval of the request, seconded by Mr. Collins. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Kauber, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None.)

D. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO RS-5 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF SOUTH HOLDEN ROAD SOUTH OF DARDEN ROAD – FOR E & P PROPERTY HOLDINGS, LLC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Ed Regensburg, 1334 Wiley Lewis Road, said he was the "E" in E & P Properties, his wife Paula being the "P." They own the subdivision next to the subject property, which is going through the TRC under RS-5 zoning. That is the same zoning requested for the subject property, which will add only two houses to the subdivision. The problem encountered was gravity feed sewer. The lots directly behind the RS-5 and the shaded area are landlocked lots. They are about 100 feet deep. To the right of them, the lots are about 150 feet deep. The Griffin Family owns the lot directly behind it. He reached an agreement with them whereby E & S would pay them for an easement to bring sewer to the subdivision and they purchased the subject property from Lowell Easter to make it part of the subdivision. The homes will be single family affordable starter homes. They understand this meets the future land use and it is moderate density for that area.

No one else spoke in favor of or opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said the Comp Plan designates this location as moderate residential, five to 12 dwelling units per acre. The proposal is development of single family homes at about seven dwelling units per acre. Staff previously supported a request that came through about a year ago to RS-5 on the adjoining site to the south. Staff still thinks it is a good idea, it is infill development and many of the other policies of the Comp Plan are supported with this type of reinvestment infill development. He

also mentioned that the major thoroughfare entrance off of South Holden also supports a use that is higher density than the RS-12 and some of the surrounding area. Overall staff recommends approval on the request.

Ms. Shipman moved approval of the rezoning request, seconded by Ms. Miller. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Kauber, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None.)

Chair Wolf declared a recess from 3:50 to 4:00 p.m.

- E. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY, CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY, AND RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – PLANNED UNIT DEVELOPMENT – MIXED WITH THE FOLLOWING CONDITIONS: 1) SINGLE FAMILY RESIDENTIAL – 19.49 ACRES. A) MAXIMUM OF 48 SINGLE FAMILY LOTS; B) MAXIMUM HEIGHT OF THREE STORIES; C) DIMENSIONAL REQUIREMENTS BASED ON RS-9. 2) MULTIFAMILY RESIDENTIAL – 8.93 ACRES. A) MAXIMUM OF 90 UNITS. B) UNITS DESIGNED FOR SALE. C) MAXIMUM HEIGHT OF THREE STORIES OF HABITABLE SPACE WITH POSSIBILITY OF PARKING UNDERNEATH BUILDING. D) DIMENSIONAL REQUIREMENTS BASED UPON RM-8. E) ONE CURB CUT ON NEW GARDEN ROAD TO ACCESS RESIDENTIAL DEVELOPMENT. F) STREET CONNECTOR WILL TIE INTO EXISTING STUB AT SELKIRK DRIVE. G) STUB STREET WILL CONNECT TO NORTHEASTERN SIDE OF DEVELOPMENT TO FOUR ACRE UNDEVELOPED TRACT. H) MAIN ROAD FROM NEW GARDEN ROAD TO SELKIRK DRIVE AND CUL-DE-SAC ROADS IN SINGLE FAMILY AREA WILL BE PUBLIC STREETS, BUILT TO GREENSBORO DEPARTMENT OF TRANSPORTATION (GDOT) STANDARDS. 3) COMMERCIAL/GENERAL BUSINESS – 6.07 ACRES. A) ALL USES PERMITTED IN GB, WITH THE EXCEPTION OF THE FOLLOWING: AGRICULTURAL USES; RECREATIONAL USES; THE FOLLOWING BUSINESS AND PROFESSIONAL SERVICES: AUTO RENTAL OR LEASING; BOAT REPAIRS; BUILDING MAINTENANCE AND SERVICES; EQUIPMENT RENTAL AND LEASING; FURNITURE REPAIR SHOPS; LAUNDROMATS, COIN-OPERATED AND/OR PLANTS; MOTION PICTURE PRODUCTION; PEST OR TERMITE CONTROL SERVICES; PROFESSIONAL MEMBERSHIP ORGANIZATIONS; TAXIDERMISTS; TELEVISION, RADIO OR ELECTRONIC REPAIRS; TOURIST HOMES; TRUCK AND UTILITY TRAILER RENTALS; VOCATIONAL, BUSINESS OR SECRETARIAL SCHOOLS; OUTDOOR ADVERTISING SERVICES; TRANSPORTATION, WAREHOUSING AND UTILITY USES; MANUFACTURING AND INDUSTRIAL USES; AND OTHER USES: ARTS AND CRAFTS SHOWS, CARNIVALS AND FAIRS. B) MAXIMUM SQUARE FOOTAGE OF DEVELOPMENT SHALL BE LIMITED TO 50,000 SQUARE FEET OF GFA. C) NO PYLON SIGN WILL BE PERMITTED WITHIN PROPOSED DEVELOPMENT. ALL SIGNAGE ALONG NEW GARDEN ROAD FRONTAGE WILL BE MONUMENT SIGNAGE, LIMITED TO SIX FEET IN HEIGHT, WITH SIGN AREA IN COMPLIANCE WITH THE CITY OF GREENSBORO DEVELOPMENT ORDINANCE. D) SITE LIGHTING WILL BE DESIGNED IN A MANNER TO ELIMINATE DIRECT ILLUMINATION ONTO ADJACENT PROPERTIES AND THAT SITE LIGHTING STANDARDS AND FIXTURES NOT EXCEED 20 FEET IN HEIGHT. E) BUILDINGS WILL NOT EXCEED THREE STORIES IN HEIGHT. F) ALL TRASH HANDLING AREAS WILL BE SCREENED FROM PUBLIC VIEW. G) THE PROPERTY WILL BE DESIGNED AND DEVELOPED IN A UNIFIED MANNER AND WILL**

INCORPORATE SIMILAR AND COMPLEMENTARY ARCHITECTURAL FEATURES. H) MAXIMUM OF TWO CURB CUTS AS APPROVED BY GDOT. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTHEAST SIDE OF NEW GARDEN ROAD BETWEEN BRASSFIELD ROAD AND MEDHURST DRIVE – FOR MEREDITH DEVELOPMENT. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Randy Dixon, 1205 West Bessemer Avenue, Suite 218, represented the parties requesting this rezoning. They have worked with various City staff members over the past months in order to minimize and streamline their request to meet the requirements of the 2025 Comp Plan. He explained how he felt this meets the vision statement of the Comp Plan. They propose a mixed use Planned Community that includes a planned residential area mixed with supporting retail and small to medium scale office development. This is in keeping with the GFLUM of the area designated as "activity center" from the New Garden and Battleground Avenue intersection. The residential sections provide a complimentary mix of housing types that still keeps the total residential density at the low density residential category. This will also meet other policies of the Comp Plan. He handed up information for the Commissioners' consideration and explained the contents. They contacted over 70 properties. There was a copy of a letter sent to every individual property owner up there on the monitor telling them about the development and asking them to come to a neighborhood meeting held to discuss their plans. There is also a list of 24 families they had represented at their first meeting and also different neighbors with whom he spoke before and after the meeting up to yesterday. He was asked to attend the neighborhood meeting held last week. He believed the meeting and conversations had been positive and he had attempted to answer questions and provide information about their plans. He then gave a general list of items discussed. The major issue raised by the neighbors was the connectivity issue of Selkirk Drive and potential connection to Churchill Drive. He presented a conceptual plan that he had shared with the neighbors concerning how the basic road system is to be laid out. He told the neighbors that he would state here that if the decision were made ultimately to change the basic road system, then they would be glad to incorporate those changes into their scheme. Mr. Dixon said due to the topography in the area, in some places it seemed to make sense to put the parking under the buildings.

Speaking in opposition to the request were Ann Parlier, 3412 Gloucester Drive; Mike Parrish, 3704 Brandywine Drive; Mike Allen, 2101 Medhurst Drive; Caretta Banks, 3801 Derby Drive; Mike Iddings, 2003 Medhurst Drive; David Huprich, 3410 Londonderry Drive; Louie Hale, 3702 Brandywine; and James Gill, 1906 Medhurst Drive. Their oppositions to the request were: connectivity at Selkirk and Churchill, creation of cul-de-sacs, commercial areas, density, quality of life affected, environmental problems, safety hazard and integrity of the neighborhood.

Chair Wolf closed the public hearing.

Mr. Hails said he could not remember a rezoning request where there were no objections to the land uses. Perhaps that bodes well for the future in some of the mixed use development they are trying to encourage. The GFLUM for this location shows a combination of mixed use commercial and low density residential development within an activity center designation. Staff feels the

proposed rezoning performs well with those land use guidelines particularly in a suburban infill type location. There are numerous other policies in the Comp Plan they believe that support this request, including diversity of housing types and mixed income housing. With regards to compatibility issues related to connectivity, he noted that there are nine specific issues looked at and reviewed by staff covering a wide variety of general concerns. Staff also feels that the proposed conditions attached to the request, while not overly detailed on design criteria, do aid in compatibility with some of the surrounding areas. Overall, staff does recommend approval of the request.

Mr. Schneider said the two sides seem to be working together well and can probably, if they keep talking with GDOT, come up with something with which everyone will be happy. He thought this was a great land use for the area from the commercial up front and he thought that is where the majority of the trips are and he intends to support this.

Mr. Collins agreed with Mr. Schneider that this was a good example of a neighborhood group and a developer working together. He was curious what their process would be to be able to change the connectivity. Could that occur at the next City Council meeting, if they file to have it heard there?

Mr. Hails said just as there were conditions attached to this rezoning, additional conditions could be added, subtracted and modified. Any conditions to a rezoning have to be offered up by the applicant for the rezoning. Then City Council could, in their consideration of the rezoning request, modify those. A separate way of dealing with connectivity issues, not through the zoning process, is through the subdivision process. If a subdivision is brought forward to the Technical Review Committee (TRC), they are responsible for reviewing the adopted development standards for the City and making sure they are put in place. If someone disagrees with the requirement of a TRC decision, such as a connection to an existing neighborhood, they could appeal that to the Planning Board and on to City Council, if they chose. But in this case, if the rezoning goes to Council, then Council could modify conditions related to the request with some interaction with the applicant as well.

Mr. Collins said he was familiar with the character and integrity of these neighborhoods. Also what the developer was planning to do is a great thing because there are about 36 acres to do something the right way. So many times what will come before us in small parcels that end up looking like a patchwork when you try to put the whole together. So he thought what they had here was a good, solid development. As Mr. Schneider said, he thought this was a great use of that property that is off New Garden Road and he will support it and hope from here they can get their connectivity issues resolved and he believed they will.

Chair Wolf said he was not in favor of connectivity in that neighborhood, but he was going to give the opposing view. He was on the Citizen Advisory Taskforce for the rewrite of the Land Development Ordinance for the City and connectivity is a big component of looking at the rewrite of our Land Development Ordinance. The lack of that connectivity limits your ability to do such things as ride a bike or walk to Westridge Road. There is not even a sidewalk, to his recollection, on 220 for you all to leave your neighborhood and walk to anything. Do what Mr. Collins says to do, but you need to be aware that there are more issues related to it. He thought it was a shame that there wasn't some way possibly to even create bike trails in lieu of street access.

Ms. Shipman said she knew that being on the Zoning Commission meant that they were to use the guidelines for zoning and that was important. She thought this request should go to City Council

and that was what she would like to vote on, but she was sure everyone had come because they

were serious about their community.

Ms. Shipman moved the ordinance, seconded by Mr. Schneider. The Commission voted 7-1 in favor of the motion. (Ayes: Wolf, Collins, Kauber, Matheny, Miller, Schneider, Spangler. Nays: Shipman.)

F. AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A CLUB OR LODGE IN A - 12 RESIDENTIAL SINGLE FAMILY DISTRICT WITH THE FOLLOWING CONDITIONS: 1) ACCESS WILL BE LIMITED TO ONE CURB CUT ON NEW GARDEN ROAD. 2) DEVELOPMENT OF BUILDING AND PARKING AREA WILL BE A MINIMUM OF 280 FEET FROM NEW GARDEN ROAD ON EASTERN SIDE OF PROPERTY, AND 130 FEET FROM NEW GARDEN ROAD ON WESTERN SIDE, EXCLUDING ACCESS DRIVE. 3) AREA BETWEEN NEW GARDEN ROAD AND PROPOSED PARKING AREA WILL REMAIN UNDISTURBED EXCEPT FOR ACCESS DRIVE. 4) BUILDING AND PARKING AREA WILL BE LIMITED TO THE 2.5 ACRES AT SOUTHERN SIDE OF PROPERTY, EXCLUSIVE OF ACCESS DRIVE. 5) BUILDING TO BE ONE STORY IN HEIGHT, WITH A MAXIMUM SQUARE FOOTAGE OF 12,000. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF NEW GARDEN ROAD EAST OF JEFFERSON ROAD AND NORTH OF BRYAN BOULEVARD – FOR MARY P. BOQUIST AND HELEN P. HOOPER. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Randy Dixon, 1205 West Bessemer Avenue, Suite 218, was sworn or affirmed. They propose this to be the new location of the New Garden Moose Lodge 1884. They are presently on Duck Club Road in the midst of the property discussed in the last item. The facility is almost 60 years. It is a log house and has literally fallen in. They have served the community in this area for many years and would like to stay in that general area. He was fortunate to find a piece of property that will basically fit their needs. He had spoken to all the surrounding neighbors concerning this. No one expressed a concern about what they were proposing to do. They plan to leave the front side of the property completely wooded, except for the drive coming in and out of the property. The area to the west of the property has sewer lines running through it now so nothing can ever be developed there. The property directly across the street cannot be developed and the property to the east is a lake. The elevation from the lake up to the property is about 40 feet. Bryan Boulevard is approximately 50 feet above this location.

No one else spoke in favor of or in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM of the Comp Plan designates low residential use in this location. This category supports supportive uses to the residential uses such as schools, churches, neighborhood-serving commercial areas and related institutions. Staff believes that the proposed Moose Lodge at this location is consistent with that designation. They feel the conditions attached to this request are beneficial for limiting visual and other impacts on the surrounding area and staff supports the request for approval.

Mr. Schneider moved the ordinance granting a Special Use Permit for this property for a club or

lodge be approved based on the following findings of fact: 1) The use will not materially endanger the public health or safety if located where proposed because there are no health or safety concerns inherent to the operation of a club or lodge at this location. 2) That the use will meet the restrictions imposed by the applicant, which will limit access to one curb cut on New Garden Road, require a substantial setback for the building and parking from New Garden Road and the area between the parking area and New Garden Road to remain undisturbed and limit and height and size of the proposed building to one story with 12,000 square feet. 3) The use will not substantially injure the value of adjoining or abutting property because the building and parking area will be limited to the 2.5 acres, the southern portion of the property adjacent to Bryan Boulevard. 4) The location, character and use will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this proposal is consistent with the low residential land use classification since it is a supportive use that should not have any adverse impacts on the existing low density single family development in the immediate area. Ms. Shipman seconded the motion. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Kauber, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None.)

G. AN ORDINANCE REZONING FROM AGRICULTURAL TO CONDITIONAL DISTRICT – HIGHWAY BUSINESS WITH THE FOLLOWING CONDITIONS: 1) ANY USE WITH DRIVE-THRU SERVICES SHALL NOT BE PERMITTED. 2) ACCESS TO HIGHWAY 68 SHALL BE LIMITED TO ONE RIGHT-IN/RIGHT-OUT DRIVEWAY. APPLICANTS SHALL CONSTRUCT A RIGHT-IN TURN LANE ACCORDING TO NCDOT/GDOT STANDARDS. DRIVEWAY SHALL BE SHARED WITH THE APPLICANTS' PROPERTIES TO THE SOUTH. - FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF NC 68 AND EAST SIDE OF MILLWOOD SCHOOL ROAD – FOR SHARP INVESTMENT PROPERTIES, LLC. (APPROVED)

Chair Wolf said he needed to recuse himself from this item. His law firm represents the applicants in that request. Mr. Collins will handle that.

Ms. Spangler moved that Chair Wolf be recused from discussion and voting on this request, seconded by Mr. Matheny. The Commission voted 7-0-1 in favor of the motion. (Ayes: Collins, Kauber, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None. Abstain: Wolf.)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Vice Chair Collins opened the public hearing.

Donnie Sparrow, Esq., 812 North Elm Street, handed up some maps for the Commission's consideration. He represented the George H. Sharp Family, Mr. and Mrs. D.H. Griffin, and the purchaser of this property, SCD-1, LLC, which is an entity related to Samet Corporation. The Sharps previously rezoned the corner tract, Lot 1 in June of 2003. Lot 1 was rezoned to Conditional District - Highway Business and is limited to a sit-down restaurant. The Sharp Family has owned the property being rezoned since the late 1970s and the property has remained zoned Agricultural since it was annexed into the City in 1995. The rezoning request before you is for the balance of the Sharp property as well as a portion of the property owned by Mr. and Mrs. D.H. Griffin. Both of these owners will reconfigure their property lines to accommodate a shared private cul-de-sac with access to Highway 68. The zoning conditions relating to this cul-de-sac are based upon the

recommendations of the traffic study attached to the staff recommendation. SCD-1, LLC, will be the

developer of a build-to-suit project for Black Furniture Company, which is a High Point furniture retailer. The maps provided for the Commission for illustrative purposes show the proposed site plan for the retail furniture showroom and warehouse, and also show how the Sharp and Griffin tracts are being reconfigured. The request is consistent with the City's Comp Plan, which designates this area as commercial. He said there was also a copy of a letter to the adjacent property owners in this area that included a copy of the proposed development plan. They have received no objection to this plan.

No one else spoke in favor of or in opposition to this request. Vice Chair Collins closed the public hearing.

Mr. Hails said the GFLUM designates this area as commercial. The proposed zoning request is consistent with that designation. There are other Comp Plan policies that support development of this area. The request is consistent with not only the Comp Plan, but also the adopted GFLUM of the Airport Area Plan, which is a multijurisdictional plan adopted several years ago. Staff also noted for the record that the overlay district zoning on this property for NC 68 has strict design limitations on setbacks, shielding of parking and so on. As such, staff feels it is a compatible use in this location and supports approval of the request.

Ms. Shipman moved approval of the request, seconded by Mr. Schneider. The Commission voted 7-0-1 in favor of the motion. (Ayes: Collins, Kauber, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None. Abstain: Wolf.)

Vice Chair Collins turned the meeting back over to Chair Wolf.

H. AN ORDINANCE REZONING FROM GENERAL OFFICE MODERATE INTENSITY TO CONDITIONAL DISTRICT – NEIGHBORHOOD BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES LIMITED TO A NEIGHBORHOOD COFFEE SHOP AND PROFESSIONAL OFFICE SPACE. 2) EXISTING BUILDING SHALL BE PRESERVED AND MAINTAINED. 3) HOURS OF OPERATION SHALL BE MONDAY – THURSDAY 6 A.M. TO 8 P.M., FRIDAY AND SATURDAY 6 A.M. TO 10 P.M., AND SUNDAY 8 A.M. TO 4 P.M. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTHWEST SIDE OF SUMMIT AVENUE BETWEEN YANCEYVILLE STREET AND CHARTER PLACE – FOR STANLEY T. MONTGOMERY. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Stan Montgomery, 623 Summit Avenue, said they had been in the area since 1999. They have operated a real estate business, which they will continue to operate and will just move it upstairs. Because they are so attached to the neighborhood and know quite a few of the residents, they do want to open a neighborhood coffee shop primarily for the neighborhood. Their intentions, after speaking with Mr. Cowhig with the Historic Preservation Commission, will be to maintain the building in its current status and enhancements will just be exterior painting or whatever needs to be done on the outside. As far as the inside, they haven't done very many renovations, but their goal is to maintain the structure of the building from the outside. Back in June of this year, he met

with Betsy Bond, who is the president of the Aycock Neighborhood Association, and explained to

her what they were going to do. They had a neighborhood walk-through. He explained to them what his plans were, showed them the building, entertained any questions that they had and at that time everyone seemed to be very enthusiastic about the project. To this point, they still feel the same way, that people are still enthusiastic about the property.

Ms. Miller said a couple of months ago, her business partner and she stopped by Mr. Montgomery's place and took a look through the window. She had to say that it was a very nice place that he was going to run and they were always looking for a coffee shop bright and early in the morning, so it is a welcome addition to everyone.

Speaking in opposition to the request was Tracy Lamothe, 600 Park Avenue. She said she is vice president of the Neighborhood Association. She wished there was a kind of for and against position because that is where they stand at the moment. While the neighborhood really does want a coffee shop and they are very excited to have the business coming into their neighborhood, the City and our Municipal Service District funds is going towards the Summit Avenue Corridor Study. When the Neighborhood Association met last week, the discussion was that they wanted to ask Mr. Montgomery to wait until the study was done. At the time they were under the impression that study would be finished in January, but they don't know for sure when it is going to be finished. They have gotten some conflicting information. So while they support it, they were a little apprehensive because they don't know what this study will tell us should be in that part of the Summit Avenue corridor.

No one else spoke to this request. Chair Wolf closed the public hearing.

Mr. Hails said the Comp Plan GFLUM indicates mixed use residential use in this area, as it does for a lot of the areas bordering Downtown. There are also very specific policies about encouraging reinvestment, infill, rehabilitation of existing structures and appropriate design standards as well. As noted, there are very strict conditions on the proposed rezoning, including the type of uses, hours of operation and maintenance of the existing building that they believe are helping to ensure compatibility of the proposed use with surrounding area. There are additional restrictions related to the neighborhood business zoning shown on the last page of the staff report. As noted, the Summit Avenue Corridor Study is in process. There was a public meeting awhile back and he knew one of the themes stated that is definitely driving the recommendations is that design is paramount, that compatibility relates to the design of the buildings even more than the uses. That gives him a good sense that commercial coming into this office zoned corridor with some strict design standards as outlined is much in keeping with the compatibility of the surrounding area. Finally, he noted on September 28, 2005 the Greensboro Historic Preservation Commission voted to recommend this rezoning. The Commission felt the proposed conditions would help ensure preservation of this historic residence. Staff recommends approval of the request.

Mr. Wolf said he really liked this proposal. When he was in law school at Wake, there was a coffee shop in the downtown area and it was a great place for people congregating in the neighborhood on the weekends to sit and read a newspaper and have coffee and things like that and everybody walked to it, so it was fabulous. He thought this neighborhood would really benefit by having something like that.

Mr. Schneider moved the ordinance, seconded by Ms. Shipman. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Kauber, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None.)

I. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – RM-12 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: MULTIFAMILY USES. 2) ACCESS ONLY FROM LEES CHAPEL ROAD. 3) DENSITY SHALL NOT EXCEED TEN (10) DWELLING UNITS PER ACRE. - TO RS-12 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED NORTH OF LEES CHAPEL ROAD EAST OF DUKE POWER RIGHT-OF-WAY – FOR THE PLANNING DEPARTMENT. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

No one was present to speak in favor of or in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said, as had been mentioned, there was no intent originally to have this property zoned multifamily. Staff feels like both the current and proposed rezoning are fairly consistent with the Comp Plan designation and staff recommends approval of the request.

Ms. Shipman moved the ordinance, seconded by Ms. Miller. The Commission voted 8-0 in favor of the request. (Ayes: Wolf, Collins, Kauber, Matheny, Miller, Schneider, Shipman, Spangler. Nays: None.)

ITEMS FROM THE PLANNING DEPARTMENT:

Mr. Hails said at the next meeting, the Commission will be implementing the reduced time frames for speaking and given that staff has received 13 new cases in the last week, that may be a timely modification on your part.

Chair Wolf said that would be 15 minutes on their main cases, plus five minutes rebuttal each side, subject to be lengthened by appropriate motion by any of the members of the Commission.

Mr. Hails said three of the cases involved a Comp Plan amendment, but the Council modification of the procedure on that has a plan amendment going directly to Council, with only the rezoning coming through the Commission.

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There being no further business before the Commission, the meeting was adjourned at 5:27 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

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